

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Robert S. Wilcox,

Plaintiff,

v.

State of Ohio, et al.,

Defendants.

Case No. 2:23-cv-2477

Judge Michael H. Watson

Magistrate Judge Jolson

ORDER

Robert S. Wilcox ("Plaintiff") proceeds pro se and in forma pauperis in this prisoner civil rights case. ECF No. 5. On initial screen, the Court dismissed several of Plaintiff's claims but allowed others to proceed. ECF No. 10. The Court later dismissed without prejudice one of the defendants that Plaintiff failed to properly serve. ECF No. 47. The remaining defendants moved to dismiss or for summary judgment. ECF Nos. 35, 37, 40, 41, 43. Plaintiff failed to respond to any of those motions, and they are ripe for decision.


The Magistrate Judge reviewed those motions and issued a Report and Recommendation ("R&R") recommending the Court construe each motion as one for summary judgment, grant the same, and dismiss the action without prejudice for failure to exhaust administrative remedies. R&R, ECF No. 48. The R&R notified Plaintiff of his right to object to that recommendation and warned Plaintiff that failure to object would forfeit the right to de novo review by the Undersigned as well as the right to appeal an adoption of the R&R. *Id.* at 21.

The deadline for objecting has passed, and Plaintiff failed to object.

Accordingly, the Court **ADOPTS** the R&R, **CONSTRUES** the motions as motions for summary judgment, **GRANTS** the motions for failure to exhaust administrative remedies, and **DISMISSES WITHOUT PREJUDICE** Plaintiff's remaining claims. Further, the Court **CERTIFIES** pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and Plaintiff should not be permitted to appeal in forma pauperis.

The Clerk shall enter judgment for Defendants and dismiss this case.

IT IS SO ORDERED.


MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT